

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

ERNEST A. SOUTHALL,	)	
	)	
Plaintiff,	)	Civil No. 3:15-cv-01266
v.	)	
	)	Judge Aleta A. Trauger
USF HOLLAND, INC.,	)	Magistrate Judge Joe Brown
OCCUPATIONAL HEALTH CENTERS	)	
OF THE SOUTHWEST, P.A. CO.,	)	
	)	
Defendants.	)	

**OCCUPATIONAL HEALTH CENTERS OF THE SOUTHWEST, P.A. CO.  
(CONCENTRA)’S REQUEST TO PERMANENTLY REMOVE AND REPLACE  
PREVIOUSLY FILED DOCUMENTS; OR IN THE ALTERNATIVE,  
CONCENTRA’S MOTION TO SEAL PREVIOUSLY FILED DOCUMENTS**

Defendant, Occupational Health Centers of the Southwest, P.A., Co. (“Concentra”), by and through undersigned counsel, requests permission to file redacted versions of certain exhibits to Concentra’s Notice of Filing (DE 121) that initially contained Plaintiff’s sensitive information. In the alternative, Concentra requests a motion to seal the previously filed exhibits.

In Section III of Plaintiff’s Memorandum in Support of his Motion to Strike (DE 131-2, PageID #2894-2895), Plaintiff asserted that certain exhibits to Concentra’s Notice of Filing (Doc. 121) contain sensitive information.<sup>1</sup> Of note, Plaintiff’s Motion to Strike was the first that Concentra was notified of this inadvertent filing. Concentra disagrees with some of the

---

<sup>1</sup> This filing is not intended to be a response to the Motion to Strike. It is intended to only be a request to remove and replace previously filed documents, or in the alternative, to seal previously filed documents. In a good faith attempt to quickly and efficiently comply with Plaintiff’s request to strike the information, Concentra files this request.

assertions in Section III of the Memorandum.<sup>2</sup>

Therefore, Concentra hereby respectfully requests that the Court issue an Order instructing the Clerk to permanently remove certain pages attached as exhibits to Concentra's Notice of Filing (DE 121) and allow Concentra to replace or re-file the exhibits with redacted versions. Redacted versions of the exhibit pages are attached hereto as Exhibit A.

In the alternative, Concentra respectfully requests that the Court issue an order sealing the previously filed exhibits, including specifically exhibits listed as DE 121-7, 121-8, 121-9, 121-12, 121-14, 121-15, 121-16, 121-18 and 121-19, in light of the Plaintiff's privacy concerns.

**/s/ Robert M. Burns**

Robert M. Burns, #15383

Brooke McLeod Coplon, #33434

Austin C. Evans, #36000

HOWELL & FISHER, PLLC

300 James Robertson Parkway

Nashville, TN 37201-1107

[rburns@howell-fisher.com](mailto:rburns@howell-fisher.com)

[bcoplon@howell-fisher.com](mailto:bcoplon@howell-fisher.com)

[aevens@howell-fisher.com](mailto:aevens@howell-fisher.com)

*Attorneys for Defendant,*

*Occupational Health Centers*

*of the Southwest, P.A. Co.*

---

<sup>2</sup> Plaintiff's Memorandum in Support of his Motion to Strike alleges that Concentra did not redact his birthday, social security number, or driver's license number from some of the exhibits. First, some of the examples provided by Plaintiff were already redacted, and therefore Concentra is unsure why Plaintiff listed the pages. Second, Plaintiff filed his full birthday previously with this Court (Doc. 84-5), and therefore, Concentra would argue that he waived his request to redact his birthday. Third, Plaintiff requests to redact his driver's license number from his CDL certificates; however, his driver's license number is not required to redact, nor has Plaintiff requested the information be redacted previously. Fourth, Plaintiff alleges that one exhibit contains his social security number, but the page actually contains a patient identification number and another exhibit contains his date of birth but it does not. Fifth, three other exhibits were overlooked by Plaintiff himself as having his social security number and driver's license number on them. Concentra points these inconsistencies out only for the purpose of questioning the importance of this request to Plaintiff at this point in the litigation.

### **CERTIFICATE OF SERVICE**

I certify that on this 29<sup>th</sup> day of June, 2018, a true and correct copy of the foregoing was served upon the following counsel via the Court's electronic case filing system:

Gina R. Crawley, Esq.  
Law Office of Gina R. Crawley  
P.O. Box 40265  
Nashville, TN 37204  
*Attorney for Plaintiff*

John A. Doran, Esq.  
Lori Wright-Keffer, Esq.  
7033 E. Greenway Parkway, Suite 250  
Scottsdale, AZ 85254  
*Attorneys for USF Holland, Inc.*

Steven E. Anderson, Esq.  
Anderson & Reynolds, P.C.  
3100 West End Avenue, Suite 225  
Nashville, TN 37203  
*Attorney for USF Holland, Inc.*

**/s/ Robert M. Burns**  
Robert M. Burns